

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
) Cause No.
 vs.) 3:23-cr-30076-SPM-1
) East St. Louis, IL
NIRAV B. PATEL,) January 17, 2025
) 1:34 p.m.
 Defendant.)

Before the
HONORABLE JUDGE STEPHEN P. MCGYLNN

TRANSCRIPT OF TELEPHONIC STATUS HEARING

FOR PLAINTIFF: Mr. Peter T. Reed
 Mr. Steven D. Weinhoeft
 United States Attorney's Office
 9 Executive Drive
 Fairview Heights, Illinois 62208
 peter.reed@usdoj.gov
 steven.weinhoeft@usdoj.gov

FOR DEFENDANT: Ms. Kim C. Freter
 Federal Public Defender's Office
 650 Missouri Avenue, Suite G10A
 East St. Louis, Illinois 62201
 kim_freter@fd.org

COURT REPORTER: Erin M. Materkowski, RPR, CRR
 erin.materkowski@ilsd.uscourts.gov
 750 Missouri Avenue
 East St. Louis, IL 62201

(Proceedings taken by machine shorthand; transcript
produced by computer-aided transcription)

1 (In open court.)

2 COURTROOM DEPUTY: Court calls Case No.
3 3:23-cr-30076, *United States of America v. Nirav*
4 *Patel*. Case is called for a status hearing.

5 Parties, if you would please identify
6 yourselves for the record.

7 MR. REED: Good afternoon, Judge. Peter
8 Reed and Steve Weinhoeft present for the
9 Government.

10 MR. WEINHOEFT: Good afternoon, Judge.

11 MS. FRETER: Kim Freter for Mr. Patel.

12 THE COURT: All right. Good afternoon to
13 all. We are set for jury trial Tuesday, but it
14 appears the fates are aligning against us. The AO
15 requires us to have two translators present during
16 trial. Our principal one is telling us that she is
17 ill; and if she can make it, she will wear a mask.
18 The second translator is telling us that she is
19 today feverish and exhibiting horrible symptoms
20 associated with a gastrointestinal disorder. So
21 compounding that, they are -- every translator
22 we've located, we even located a new one, a
23 potential one in Atlanta, they're all going to be
24 flying in, and the weather on Monday is expected to
25 be problematic for the airlines, so there's going

1 to be flight delays and probably cancellations.

2 I have to make a 100 percent decision with
3 only 50 percent of the facts, but I have serious
4 doubts that we're going to be able to pull off this
5 trial Tuesday, and I think we, to cut our losses,
6 continue the trial setting for Tuesday. I don't --
7 you know, we don't want to be bringing in a bunch
8 of jurors and waiting on people's flights or if the
9 women -- if either one of them are sick, you're
10 sitting right next to the defendant and likely, you
11 know, to breathe into him whatever bug they have,
12 so I just think it's -- it's not going to work.

13 Peter, Steve, what do you guys say?

14 MR. WEINHOEFT: Well, from the flu
15 perspective, I'll go first because I can vouch for
16 the fact that there is an extremely nasty flu bug
17 going around. I dodged it, but it managed to take
18 out -- my wife, as you may be aware, Judge, works
19 at the hospital, and there's been a huge uptick
20 there. She managed to be exposed to it, and
21 several of all sorts of folks I know in the area
22 has come down with it, and it seems to be, you
23 know, what I've seen is it's a five- to seven-day
24 sort of thing, so I know that -- I know it's going
25 around.

1 THE COURT: Yeah, well --

2 MR. REED: Judge, this is Peter -- I'm
3 sorry. Go ahead.

4 THE COURT: Go ahead.

5 MR. REED: It's hit our house today too,
6 but one thought I had, and Kim can chime in on
7 this, we retained Ms. Bhat (ph.), who is a Gujarati
8 court -- and primarily what she does is court
9 translations. I think we are pretty close to
10 reaching a stipulation on the Gujarati translations
11 in this case with Kim, and I know Kim also has
12 retained a Gujarati interpreter. I don't know
13 whether she's available next week or not, but I
14 think we could check in with both of those
15 individuals just to see if that's a possibility;
16 otherwise, we can't proceed without -- certainly
17 can't proceed without translators.

18 MS. FRETER: So I can tell you that the
19 interpreter that I've been using is great. She's
20 the best interpreter I've ever worked with.
21 She's -- she's not available for the entirety of
22 next week. We had a conversation about it, and
23 Anna from the clerk's office had talked to her
24 about it. Part of the problem with her -- and I
25 don't know from Anna. I haven't spoken with her --

1 my interpreter charges a different rate than what
2 the AO prescribes; and in her other cases in the
3 country, the clerk's office asked the AO for a
4 variance and they grant it and it's fine, and I
5 don't know if we've asked and the AO said no or
6 what that is, but although she has some
7 availability for next week, there is this fee issue
8 the clerk's office would have to work out before
9 she would do it.

10 If we could have her for the trial, she is
11 excellent and will make the proceedings go very
12 smoothly and very quickly. She did a deposition
13 with us; but if we continue it, whatever we can do
14 to get her, I would -- that would be great.

15 The COURT: I think she was the one that
16 told us that she had the significant
17 gastrointestinal problems.

18 COURTROOM DEPUTY: Is that Mrs. Press,
19 Kim?

20 MS. FRETER: Yeah.

21 COURTROOM DEPUTY: Okay, yeah, she's the
22 one that Anna talked to, and she just flew back
23 from New York last night, and she's the one that's
24 got the stomach and the gastro --

25 MS. FRETER: She's the one that's sick?

1 COURTROOM DEPUTY: Yeah.

2 MS. FRETER: She and I have a meeting at
3 4:30 today, so I just haven't heard from her yet.
4 Maybe that's why.

5 Which, to that end, she's been working,
6 Judge, on the transcripts; and if she's ill, she is
7 not going to be able to finish that.

8 THE COURT: So I don't see how we pull
9 this off. I think, you know, we're going to be,
10 you know, at 2 degrees -- the temperature will be
11 at 2 to 4 degrees on Tuesday morning. I hate to
12 bring in 45 jurors and get them here and say, well,
13 maybe we can only do half a day. I just have a
14 sinking feeling that it's just kind of going to
15 blow up in our face no matter how -- how much of a
16 college try we give it. So I'm -- and because we
17 are closed Monday, from our standpoint, it's -- if
18 I'm going to pull the plug, I got to pull the plug
19 today, so --

20 MS. FRETER: Judge, I will also say the
21 witnesses -- two of the Government's witnesses, as
22 the Court knows, are in wheelchairs, which is
23 compounded in terms of their travel by cold and
24 snow also.

25 MR. REED: That is certainly true.

1 THE COURT: All right. Well, if anyone
2 wants to voice objection, you can get it on the
3 record, but I'm going to continue the trial setting
4 from Tuesday.

5 Anybody want to be on the record that it's
6 over your objection?

7 MR. REED: No, Judge.

8 MS. FRETER: Judge, I think Mr. Patel has
9 requested a trial; but it is my -- you know,
10 quickly, but it is my opinion that under these
11 circumstances, particularly with the interpretation
12 issues and including the interpreter for our own
13 defense, that it would be my trial strategy and it
14 would be my attorney decision that the case be
15 continued in order to preserve his rights.

16 THE COURT: Yeah, I also think, too, that
17 even if we were able to get this thing off the
18 ground Tuesday morning, if somebody is sick -- I'd
19 hate to start this thing and then have to declare a
20 mistrial until -- it's just not going to work for
21 us.

22 So looking at my trial schedule, other
23 than the week of the 17th of February, I'm in
24 pretty good shape. In March, the week of March the
25 10th I could do it and/or -- that's really what I

1 got in March. In April it would be -- the first
2 three weeks in March -- I'm sorry, the first three
3 weeks in April.

4 MS. FRETTER: Judge, how do you feel about
5 us kind of reverse engineering and maybe getting
6 the interpreters locked down before we set it?

7 THE COURT: Fine. Let's do that. We'll
8 forward to you guys some proposed dates, and then
9 you can talk to the interpreters, and then we can
10 reconnect and get a date certain.

11 So what I'll do is I'll set it for status
12 conference. I'll set it for a status conference
13 sometime in the first week of February at which
14 time we'll select a trial setting.

15 How does that sound?

16 MR. REED: Could we set it for a status --
17 Go ahead, Kim. I'm sorry.

18 MS. FRETTER: No, no. Go ahead.

19 MR. REED: I think I was going to say the
20 same thing.

21 Who is reaching out to the translators?
22 Should the parties or Jackie? I don't know who
23 your second translator was.

24 THE COURT: Anna does it for the Court.

25 MR. REED: Oh, Anna, okay.

1 THE COURT: But if you are dealing -- Kim,
2 if you really want this girl from Chicago, and
3 you're dealing with her, you can talk to her, and
4 that's not going to be problematic.

5 MR. REED: It would certainly be --

6 MS. FRETER: I'll coordinate with her,
7 Judge, and with Anna to see if I can't get all of
8 those pieces together.

9 THE COURT: So when do you want to do the
10 status conference? Is the first week of February
11 good?

12 MR. REED: This is Peter, Judge. For our
13 out-of-town witnesses, it would be helpful to have
14 the status sooner, even next week, simply so that I
15 can -- we need to reschedule flights. We need to
16 give them new dates. They are going to need to
17 talk to employers.

18 THE COURT: How about Thursday the 15th?
19 That allows Steve to bask in the glory of Notre
20 Dame's National Championship without having to rush
21 back for a trial the next day.

22 MR. WEINHOEFT: I can tell you I am not a
23 bit disappointed I don't have to pick a jury on
24 Tuesday morning. I can tell you that.

25 THE COURT: So if you want to do that --

1 MR. WEINHOFTE: I was very unimpressed
2 that I was going to make a quick trip on the eve of
3 trial given the hours I was keeping the last few
4 weeks preparing for this thing.

5 So I got the, "So you're working all night
6 every night not around your family yet you can go
7 to a game right before jury instructions," and it
8 turns out she is a really skilled cross-examiner,
9 and I was not able to get out from underneath that
10 trap.

11 THE COURT: Hey, a man has got to know his
12 priorities, and there's some of them that women
13 just don't understand. My wife doesn't understand
14 why I yell at the television when I'm watching a
15 Notre Dame football game, so there you are.

16 If you want to do something at the tail
17 end of next week, we can set a status conference.

18 MR. REED: Okay.

19 MS. FRETER: That works for me. My week
20 is free next week, so --

21 THE COURT: Thursday the 16th (sic) will
22 work?

23 MR. WEINHOFTE: 23rd?

24 MR. REED: Yes, Judge.

25 THE COURT: I'll have Jackie send

1 something out; and in the meantime, we'll --
2 we'll -- we'll stop the launch countdown clock, and
3 we'll reset it sometime next week.

4 Anything else for the Government?

5 MR. REED: No, Judge. Just in terms of
6 housekeeping, we'll need a speedy trial finding on
7 the record, and I think that the unavailability --
8 I'm trying to think what subsection that would be,
9 but I think the unavailability of the interpreters
10 is certainly an essential party.

11 THE COURT: Anything else for defense?

12 MS. FRETER: No, Your Honor.

13 THE COURT: I will find and put on the
14 order that I find that justice requires a
15 continuation of this trial setting because it was
16 likely if we attempted to start on Tuesday, it
17 would likely result in a mistrial because of the
18 unavailability of interpreters.

19 All right. Thank you.

20 (Proceedings adjourned at 1:49 p.m.)

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CERTIFICATE OF COURT REPORTER

I, Erin M. Materkowski, hereby certify that
the foregoing is a true and correct transcript from
reported proceedings in the above-entitled matter.

/s/ Erin M. Materkowski
ERIN M. MATERKOWSKI, RPR, CRR
Official Court Reporter
Southern District of Illinois
East St. Louis Division

Date: 6/20/2025